

AMENDED IN SENATE AUGUST 12, 1998
AMENDED IN SENATE JULY 1, 1998
AMENDED IN SENATE JUNE 11, 1998
AMENDED IN ASSEMBLY JANUARY 20, 1998
AMENDED IN ASSEMBLY JANUARY 5, 1998
AMENDED IN ASSEMBLY AUGUST 4, 1997
AMENDED IN ASSEMBLY MAY 8, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1439

**Introduced by Assembly Member Granlund
(Principal coauthor: Assembly Member Thomson)**

February 28, 1997

An act to add Article 7.5 (commencing with Section 680) to Chapter 1 of Division 2 of the Business and Professions Code, to add Sections 1221 and 1273 to the Health and Safety Code, and to amend Section 5251 of the Welfare and Institutions Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1439, as amended, Granlund. Health care practitioners: identification: mental health: involuntary commitments.

(1) Existing law provides for the licensure and regulation of healing arts professionals, and defines the term “health care practitioners.” *practitioner” for certain purposes.*

This bill would require ~~all a health care practitioners~~ *practitioner* to disclose ~~their~~ *his or her* practitioner’s credentials on a name tag while working, and would prohibit any person other than a registered nurse or a licensed vocational nurse from using the title “nurse,” with certain exceptions. This bill would require specified state agencies to ~~enforce~~ *ensure that certain health and related facilities have adopted a written policy implementing these provisions as* part of the licensing review process for ~~various types of health and related~~ *these facilities, and would specify when an enforcement action may be taken.*

(2) Existing law authorizes the involuntary detention for a period of 72 hours for evaluation of persons who are dangerous to self or others, or gravely disabled, as defined.

Under existing law, if a person is detained for 72 hours and has received an evaluation, he or she may be certified for not more than 14 days of intensive treatment related to his or her mental disorder or impairment by chronic alcoholism in accordance with specified requirements.

Under existing law, for a person to be certified for treatment, a notice of certification must be signed by 2 persons. When a physician or psychologist is not available, the 2nd person to sign this notice may be either a social worker or registered nurse.

This bill would expressly require the social worker to be a licensed clinical social worker.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 7.5 (commencing with Section
2 680) is added to Chapter 1 of Division 2 of the Business
3 and Professions Code, to read:

4

Article 7.5. Health Care Practitioners

680. Except as otherwise provided in this subdivision, ~~all a health care practitioners, as defined in subdivision (f) of Section 900,~~ *practitioner* shall disclose, while working, ~~their~~ *his or her* name and practitioner's license status, as granted by this state, on a name tag in at least 18-point type. A health care practitioner in a practice or an office, whose license is prominently displayed, may opt to not wear a name tag. If a ~~licensee health care practitioner or a licensed clinical social worker~~ *health care practitioner or a licensed clinical social worker* is working in a psychiatric setting or ~~as a licensed clinical social worker~~ in a setting that is not licensed by the state, the employing entity or agency shall have the discretion to make an exception from the name tag requirement for individual safety or therapeutic concerns. In the interest of public safety and consumer awareness, it shall be unlawful for any person to use the title "nurse" in reference to himself or herself and in any capacity, except for an individual who is a registered nurse, or a licensed vocational nurse, *or as otherwise provided in Section 2800*. Nothing in this section shall prohibit a certified nurse's aide from using his or her title. For purposes of this article, "health care practitioner" means any person who engages in acts that are the subject of licensure or regulation under this division or under any initiative act referred to in this division.

SEC. 2. Section 1221 is added to the Health and Safety Code, to read:

1221. (a) The State Department of Mental Health shall ~~enforce the provisions of~~ *ensure that facilities have adopted a written policy implementing* Section 680 of the Business and Professions Code as part of the licensing review process for psychiatric health facilities and mental health rehabilitation centers.

(b) The State Department of Social Services shall ~~enforce the provisions of~~ *ensure that facilities have adopted a written policy implementing* Section 680 of the Business and Professions Code as part of the licensing review process for residential care facilities.

1 (c) The State Department of Health Services shall
2 ~~enforce the provisions of~~ *ensure that facilities have*
3 *adopted a written policy implementing* Section 680 of the
4 Business and Professions Code as part of the licensing
5 review process for state hospitals and all other health
6 facilities and clinics with the exception of psychiatric
7 health facilities.

8 (d) *A hospital, clinic, psychiatric health facility,*
9 *mental health rehabilitation center, residential care*
10 *facility, state hospital, or other health facility shall not be*
11 *subject to an enforcement action, including a citation,*
12 *fine, or civil penalty, for acts of individual health care*
13 *practitioners who are not in compliance with Section 680*
14 *of the Business and Professions Code if the written policy*
15 *described in subdivision (a), (b), or (c) has been*
16 *adopted. A facility that fails to adopt a written policy or*
17 *that willfully and knowingly impedes implementation of*
18 *Section 680 of the Business and Professions Code shall be*
19 *subject to an enforcement action of the appropriate state*
20 *licensing authority.*

21 (e) *This section shall only apply to facilities specified*
22 *in subdivisions (a), (b), and (c), that employ health care*
23 *practitioners, as defined in Section 680 of the Business and*
24 *Professions Code, and shall only apply to those persons*
25 *employed by the facility.*

26 SEC. 3. Section 1273 is added to the Health and Safety
27 Code, to read:

28 1273. The state department shall ~~enforce the~~
29 ~~provisions of~~ *ensure that facilities have adopted a written*
30 *policy implementing* Section 680 of the Business and
31 Professions Code as part of the licensing review process
32 for health facilities. *A health facility shall not be subject*
33 *to an enforcement action, including a citation, fine, or*
34 *civil penalty, for acts of individual health care*
35 *practitioners who are not in compliance with Section 680*
36 *of the Business and Professions Code if a written policy*
37 *has been adopted. A facility that fails to adopt a written*
38 *policy or that willfully and knowingly impedes*
39 *implementation of Section 680 of the Business and*

1 *Professions Code shall be subject to an enforcement*
2 *action of the department.*

3 SEC. 4. Section 5251 of the Welfare and Institutions
4 Code is amended to read:

5 5251. For a person to be certified under this article, a
6 notice of certification shall be signed by two people. The
7 first person shall be the professional person, or his or her
8 designee, in charge of the agency or facility providing
9 evaluation services. A designee of the professional person
10 in charge of the agency or facility shall be a physician or
11 a licensed psychologist who has a doctoral degree in
12 psychology and at least five years of postgraduate
13 experience in the diagnosis and treatment of emotional
14 and mental disorders.

15 The second person shall be a physician or psychologist
16 who participated in the evaluation. The physician shall
17 be, if possible, a board certified psychiatrist. The
18 psychologist shall be licensed and have at least five years
19 of postgraduate experience in the diagnosis and
20 treatment of emotional and mental disorders.

21 If the professional person in charge, or his or her
22 designee, is the physician who performed the medical
23 evaluation or a psychologist, the second person to sign
24 may be another physician or psychologist unless one is not
25 available, in which case a licensed clinical social worker
26 or a registered nurse who participated in the evaluation
27 shall sign the notice of certification.